

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO.: 3:11CR168-SA

JAMES TRACY CUNEO

DEFENDANT

ORDER ON MOTIONS

Defendant Cuneo has filed several pro se motions despite his representation on appeal by competent counsel. Cuneo appealed his revocation sentence imposed, and that issue is still pending in the Fifth Circuit. To the extent that the Court has jurisdiction over the pending issues, the Court rules as follows:

Cuneo has filed a Motion to Dismiss [96] arguing that there was no requirement for him to register as a sexual offender. Because this issue has been addressed by the Court several times, the Court DENIES that motion.

Cuneo has also filed a Motion to Reduce Sentence [97]. The issues raised in that motion have been reviewed by the Fifth Circuit and the sentence has been affirmed. Accordingly, the Motion to Reduce Sentence is DENIED.

Cuneo has also requested a different appointment of counsel for his appeal [108] and [109]. During the pendency of this case in the Northern District of Mississippi, Defendant has been represented by three attorneys. The Court has appointed alternate counsel when requested on a previous occasion. Because of the status of this case, its pendency on appeal, and the complaints of Cuneo that are the same as they have been for the other attorneys appointed in this case, the Court DENIES the requests for alternate appointment of counsel for purposes of appeal.

Cuneo has additionally sent in a pro se request for a “copy of, 42 U.S.C. 1983, for the Northern District of Mississippi.” The Court is not in a position to provide copies of statutes to any litigant or defendant. That request [110] is DENIED.

Lastly, Cuneo has requested to appeal in forma pauperis [95]. The Federal Rules of Appellate Procedure note that where a criminal defendant has been determined to be financially unable to obtain an adequate defense in a criminal case, he “may proceed on appeal in forma pauperis without further authorization . . . .” FED. R. APP. P. 24(a)(3). Accordingly, the Motion to Appeal In Forma Pauperis [95] is moot as Cuneo has been determined financially unable to afford an adequate defense.

SO ORDERED this the 27th day of November, 2017.

**/s/ Sharion Aycock**  
**U.S. DISTRICT JUDGE**